

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-15. Claims 1-4 and 9-15 are amended herein. No new matter is presented.

Thus, claims 1-15 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-15 were rejected under 35 U.S.C. § 112. Claims 1, 4 and 9-15 are amended herein and claims depending from therefrom are now definite.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-15 were being rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,199,204 (Donohue) in view of U.S. Patent No. 6,434,744 (Chamberlain).

Independent claim 1, by way of example recites, "extracting a reserved word of a macro instruction in a data file after having analyzed the data file based on a stored reserved word" and "selecting a version of the application program useable to access the data file based on a comparison of the extracted reserved word with stored reserved words of application programs." The claimed method determines whether "the selected version is already installed" and installs "the selected version of the application program upon determining that the version of the application program is not installed." Independent claims 11 and 12 recite similar features.

Claim 4 recites, "extracting at least one of a plurality of reserved words of macro instructions in at least two data files after having analyzed the data files" and "displaying simultaneously the data file and the application program of a version decided thereby." Claim 4 further recites, "activating the displayed application program in relation to any one of the analyzed data files and executing an application program already installed upon determining that the selected version is installed." Independent claims 9 and 10 recite similar features.

Independent claim 13 recites, "determining a version of an application program used to create the data file based on a comparison of the content of the data file indicating a reserved word of a macro instruction set by said application program with stored reserved words of data files of application programs." Claim 13 further recites, "executing an application program already installed upon determining that said application program useable to access the data file is installed."

Similarly, claim 14 recites, "determining a version of a first application program used to create a document file a user is requesting to access from a content within the document file" based on "comparison of a reserved word of a macro instruction and/or a definition style of the document file with stored reserved words and/or definition styles of document files of application programs." The method installs "the first application program or a second application program similar to the first application program" in accordance with determination of "the version of the first application program based on said comparison."

Claim 15 also recites, "determining whether a syntax pattern of a macro instruction corresponding to an application program is indicated in a data file by determining whether one or more of the stored syntax patterns corresponds to the syntax pattern indicated" and "installing an application program having the syntax pattern indicated upon determining the application program is not installed and activating the application program with the syntax pattern indicated upon determining the application program is installed."

Donohue discusses distributing updates based on an update criteria on the local computer system (see, col. 7, lines 45-55, see, col. 8, lines 26-36 and col. 11, lines 26-67). In Donohue, the updater component's update criteria include a cycle period (weekly or monthly) and criteria for determining which of a plurality of possible growth paths to select (see, col. 9, lines 21-29). The comparison in Donohue is between the current installed software product's identifier/release number and the listed available updates. As such, Donohue is limited to simply applying updates to the software product based on predefined update criteria regardless of what is needed for current access of data.

The Examiner indicates that Donohue does not specifically allow the user to select a certain application program, but relies on Chamberlain as teaching the same. Chamberlain discusses patching an installed application program and indicating that the application has been patched to the installer program (see, col. 2, line 60 through col. 3, line 12). Specifically, the installer program (201) in Chamberlain is directed to making the user aware of the patch where the user is presented with a dialog box for selecting which features of the product to install (see, col. 2, lines 48-55 and col. 7, lines 27-33).

In contrast to Donohue and Chamberlain, the claimed invention automatically installs a version of an application program or ensures that the program is installed such that the user is not required to determine whether the version of the application is installed and install the version if the user determines that the application program is not already installed.

Donohue and Chamberlain, alone or in combination, do not teach or suggest the above-identified features of the claims.

The Examiner also indicates that some features are implied (for example, manually selecting an application program for the purpose of ensuring that the application program installation is necessary and appropriate in Chamerlain) and that it is well known to prompt the user to eliminate some files in order to resource more space). Applicants respectfully traverse the Examiner's statement because supporting evidence related to the implied functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

Further, Applicants point out that any facts so noticed should serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. M.P.E.P. § 2144.03

It is submitted that the independent claims are patentable over Donohue and Chamberlain.

For at least the above-mentioned reasons, claims depending from the independent claims are also patentably distinguishable over Donohue and Chamberlain.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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